IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 03.07.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Habeas Corpus Petition No.410 of 2006

Palanichamy ... Petitioner

Vs.

State rep.by

1. The District Collector
and District Magistrate
Tiruchirapalli district

2. The Secretary to the Government,
Prohibition and Excise Dept.,
Fort St.George, Chennai.

3. The Inspector of Police
Lalgudi Circle ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to direct the respondents to produce the body of the detenu namely Karuppayee before this Hon'ble Court who is now detained in special Prison for Women, Trichy in pursuant to the detention order passed by the first respondent in Cr.M.P.No.30 of 2006 dated 15.3.2006 and call for the records and quash the same and set the detenu at liberty.

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For Petitioner : Mr.V.Rajamohan
For Respondents : Mr.Babu Muthu Meeran
Addl. Public Prosecutor

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O R D E R

(Order of the Court was made by V.Dhanapalan, J.)

The petitioner, who is the son-in-law of the detenu by name Karuppayee, who was detained as a ''Bootlegger" as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 15.3.2006, challenges the same in this Petition.

2. Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the respondents.

3. At the foremost, learned counsel for the petitioner submitted that there is enormous delay in disposal of the representation of the detenu, which vitiates the ultimate order of detention. With reference to the above claim, learned Additional Public Prosecutor has placed the details, which show that the representation of the detenu dated 12.4.2006 was received by the Government on 17.4.2006 and remarks were called for on 18.4.2006. Thereafter, the remarks were received by the Government on 25.4.2006 and the File was submitted on 25.4.2006 and the same was dealt with by the Under Secretary and the Deputy Secretary on the same date i.e. on 25.4.2006 and finally, the Minister for Prohibition and Excise passed orders on 26.4.2006. The rejection letter was prepared on 10.5.2006 and the same was sent to the detenu on 12.5.2006 and served to her on 16.5.2006. As rightly pointed out by the learned counsel for the petitioner, though the Minister for Prohibition and Excise passed an order on 26.04.2006, there is no explanation at all for taking time for preparation of rejection letter till 10.5.2006. In the absence of any explanation by the person concerned even after excluding the intervening holidays, we are of the view that the time taken for preparation of rejection letter is on the higher side and we hold that the said delay has prejudiced the detenu in disposal of his representation. On this ground, we quash the impugned order of detention.

4. Accordingly, the Habeas Corpus Petition is allowed and the impugned order of detention is set aside. The detenu is directed to be set at liberty forthwith from the custody unless he is required in some other case or cause.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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ajr

To

1. The Secretary to Government,
   Prohibition and Excise Dept.,
   Fort St.George, Chennai-9.

2. The District Collector
   and District Magistrate
   Tiruchirapalli district

3. The Inspector of Police
   Lalgudi circle

4. The Superintendent,
   Special Prison for Women, Trichy
   (In duplicate for communication to detenu)

5. The Joint Secretary to Government,
   Public (Law and Order)
   Fort St. George, Chennai-9.

6. The Public Prosecutor,
   High Court, Madras.

HCP. No.410 of 2006

GM(CO)
RVL 07.07.2006

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